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13 Also Present:

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BRIONNE CORBAY  
IAN EISENBERG  
CYNJO RAYLENE HALL  
JOHN NOVAK

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John Jung

March 5, 2021

Page 3

## 1 E X A M I N A T I O N I N D E X

2

Witness:

3

JOHN JUNG

4

Examination By:

5

Page

MR. KING

5 - 74

6

MS. CARR

74 - 75

7

MR. KING

75 - 77

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E X H I B I T I N D E X			
No.	Description	Page	
A	Chris Thompson's letter to Roger Goodman	10	
B	Document Forwarded Pursuant to Discovery Request	17	
C	State of Washington Classified Job Specification	57	
D	WAC 139-05-200	35	
E	Cowlitz County Search Warrant	14	
F	Request for Production of Documents Per GR 31.1 and RCW 42.56	54	
G	Statement of WSLCB Officer John Jung	50	
1	Assessment of the Equivalency Academy	56	
2	Email Written by John Jung	57	
9	Email Exchange Communication Between the Chief of Enforcement and LCB	64	
12	Email Written by John Jung	65	
15	Public Records Request	42	

John Jung

March 5, 2021

Page 5

1 FRIDAY, MARCH 5, 2021

2 10:03 a.m.

3 -- oo 0 oo --

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5 MS. CARR: Mr. King, while we're on the  
6 record, I want to make clear that I am aware that you are  
7 videotaping this.

8 And that is -- that is within your right, but I want  
9 to make it clear also that your private video does not  
10 constitute an official record of the proceeding and is  
11 not itself admissible as evidence of the witness'  
12 testimony.

13 MR. KING: Of course. We'll use the  
14 transcript for that.

15 JOHN JUNG, having been duly sworn,  
16 testified under oath  
17 as follows:

18 EXAMINATION

19 BY MR. KING:

20 Q. Agent Jung, good morning, sir. How are you?

21 A. Fine.

22 Q. Okay. Could you please state your full name and  
23 your occupation for the record?

24 A. Full name is John Jung, and I am currently employed  
25 by the Washington State Liquor and Cannabis Board as an

1 enforcement agent or Officer 2.

2 Q. Okay. When -- how long have you been in that  
3 position?

4 A. Since 2008.

5 Q. Okay. Tell me a little bit about your background  
6 before then. We'll go back the last 15, 20 years.

7 A. I was a King County public defense coordinator where  
8 I managed over four hundred defense attorneys in King  
9 County, King County's public defender services.

10 That included ACA, Accused Counsel of -- Associated  
11 Counsel of the Accused, counsel for the public, and  
12 Northwest Public Defenders Association and the Defender  
13 Association, TDA.

14 Q. Okay. And you were in -- you say you did that --  
15 you did that for more than a decade I take it.

16 A. Yeah, basically I reviewed all felony cases that  
17 would walk through the King County courthouses and  
18 assigned them according to their specialized field of  
19 defense, also coordinated with the expert witness  
20 monitoring programs.

21 And also I was also the juvenile case coordinator  
22 where I handled truancy cases for King County's School  
23 District during the course of that duty.

24 Q. Very well. Thank you, sir. Sir, who is Cynjo  
25 Raylene Hall?

John Jung

March 5, 2021

Page 7

1 A. She's one of my -- a failed compliance case.

2 Q. Okay. And what is your involvement with that case,  
3 sir?

4 MS. CARR: Objection, relevance.

5 MR. KING: Noted for the record.

6 Q. Please answer the question.

7 MS. CARR: Mr. Jung, if you're not  
8 comfortable discussing an ongoing case, you do not need  
9 to answer that question.

10 And if Mr. King continues down this road, I will  
11 stop this deposition and I will go to the court to  
12 protect this information.

13 MR. KING: I'll meet you right there.

14 Q. Sir?

15 A. I don't know what's going on with this case, so I'd  
16 rather not discuss it.

17 Q. Okay. That's fine.

18 A. And it's still pending, so I'd rather not.

19 Q. Okay. That's fine.

20 A. Yes, sir.

21 Q. So when you -- from my knowledge after reviewing  
22 Ms. Hall, she is being accused of underage sales.

23 MS. CARR: Objection, relevance again,

24 Mr. King. This is not about your case against the LCB.

25 It is not connected, and you need to move on.

1 MR. KING: I haven't asked a question yet.

2 Could you wait till I ask a question, please? Thank you.

3 I appreciate that.

4 Q. Sir, what is your degree of involvement in cases  
5 where there are underage sales alleged in respect to  
6 Ms. Hall's case?

7 A. Generally speaking, I am the primary agent that  
8 conducts the checks. And if there's a failure, then I  
9 proceed with the criminal and also administrative  
10 violation notices to the businesses.

11 Q. Okay. In that role, let's talk about the criminal  
12 role mostly right now. In that role, are you comfortable  
13 in your role doing that, and if so, why, and if not, why  
14 not?

15 A. This was brought up with my previous supervisors at  
16 the agency in multiple personal and also in writing that  
17 the last couple of years I've been doing some research  
18 about the role of our agents, our officers and come to  
19 find out there was a lot of inconsistency with the laws  
20 that did not conform to the daily practical operation of  
21 agents.

22 And so I questioned that and told them that, you  
23 know, that I wasn't -- I didn't feel legally able to  
24 draft up criminal notices.

25 Q. Okay.



1 A. And so -- yeah.

2 Q. We're going to follow up on it in just a minute.

3 A. Okay.

4 Q. So you didn't feel -- okay, yeah. We heard it.

5 We'll come right back to that. Just one more preliminary

6 question before we delve into more of what you just

7 started on; okay?

8 Have you ever seen the LCB coordinate cases with the  
9 federal authorities?

10 A. Yeah.

11 Q. Okay. Would they -- and how often does this happen?

12 Well, never -- strike that.

13 So when the agents came down to work with you all on  
14 these cases, was it your belief that they were working to  
15 implement federal policy? They weren't there for high  
16 tea and crumpets, were they?

17 A. When you say agents, are you referring to the  
18 federal or the state agents federal?

19 Q. Just federal, yeah.

20 A. No. I believe they came down. Obviously, it had  
21 some federal implications to the cases they were working  
22 on. Otherwise, they would not be with us.

23 Q. That makes sense. That's fine. You've answered.

24 To your knowledge, have you ever seen a situation in  
25 which the feds would actively prosecute someone, a

1 licensee for cannabis even when the licensee was fully  
2 state compliant?

3 A. I do not know, so I'm not able to answer that  
4 question for you.

5 Q. So you don't know? To your knowledge, you've never  
6 seen that happen?

7 A. Correct.

8 Q. Okay. All right, sir. I'm going to virtually hand  
9 you -- there's two sets of exhibits in this deposition,  
10 sir.

11 There are those that you provided to me and to Agent  
12 -- to Agent, to Co-Plaintiff Novak. Then the set that I  
13 have culled up.

14 We're going through mine first and then yours, so if  
15 I could have you refer to Exhibit A, I'm going to  
16 virtually hand you Exhibit A.

17 A. Yes, sir. I'm looking at it, just give me a few  
18 minutes here. I have another laptop opened --

19 Q. Of course.

20 A. (Continuing) -- with your documents on it. Okay, so  
21 it's on.

22 Q. All right, so can you identify the document for us?

23 A. Just give me a few minutes to just go over it.

24 Q. Well, let's do it this way. I'll warrant to you  
25 that this is an email that was received by Plaintiff

John Jung

March 5, 2021

Page 11

1 Novak from Chris Thompson at LCB to Roger Goodman, who  
2 was the chair of security for the State of Washington at  
3 the time, may still be. I don't know.

4 MR. EISENBERG: Let me clarify just briefly.  
5 It is a public record that I received in a public records  
6 request from the Liquor Control Board that contained the  
7 email. It was not an email to me. It was a public  
8 record that I requested.

9 MR. KING: Correct, okay.

10 Q. So given that now, Agent Jung, have you had time to  
11 review this email?

12 A. Yes, I have. I briefly looked over it this morning.

13 Q. Okay. What is your takeaway from this email?

14 A. It appears that the agency was seeking authority to  
15 conduct criminal investigations in vape, tobacco and  
16 marijuana.

17 Q. Okay. So I want you to focus on the last phrase,  
18 kind of the first paragraph where it states, extending  
19 authority in the alcohol domain to cannabis, tobacco and  
20 vapor products.

21 Okay. So when you read that, sir --

22 A. What page is that on? I'm not --

23 Q. There's only -- it's only the -- it's going to be  
24 the first page of that, of that exhibit.

25 A. Okay.

1 Q. So, yeah, then the first page -- yeah, so when you  
2 say extending authority in the alcohol domain to  
3 cannabis, tobacco and vapor products, okay, based on that  
4 email, what do you believe your authority as a police  
5 officer would be limited to?

6 A. Based on this?

7 Q. Mm-hmm.

8 A. I don't know.

9 Q. Well, let me ask it this way. As you reviewed this  
10 document, sir, does he make any indication that LCB  
11 enforcement officers do not have the same authority under  
12 cannabis, tobacco and vapor as they do under alcohol?

13 MS. CARR: Objection, calls for speculation.

14 MR. KING: Just his opinion based on the  
15 email.

16 Q. Please answer the question.

17 A. Opinion? I guess they do not.

18 Q. Okay. And what happened with House Bill 1626? Do  
19 you know?

20 A. It fell. That, I know.

21 Q. Okay. All right then, so did you ever receive this  
22 email in your daily routines at LCB?

23 A. No.

24 Q. When was the first time you saw this?

25 A. This is the first time I'm seeing it when I got --

1 when I got the exhibit.

2 Q. Okay. Thank you. Could you go to the second page  
3 of that exhibit?

4 A. Okay.

5 Q. Do you see that document there? There's another  
6 email chain from Chris Thompson.

7 A. Yeah.

8 Q. Okay. Actually, let's go on to the very next page.

9 A. Okay.

10 Q. There we go, so this is Legislative Report 7. And  
11 at that time in March of 2019, there is a notation about  
12 House Bill 1626.

13 And it states that it's sponsored by State Rep  
14 Pettigrew, and it would extend the same authority  
15 concerning alcohol for cannabis, tobacco and vapor  
16 products, and it's currently in the House Rules  
17 Committee. Do you have any reason to doubt the veracity  
18 of that statement?

19 A. No.

20 Q. And for the record, do you know who Chris Thompson  
21 is, Agent Jung?

22 A. You're asking me? No, I don't.

23 Q. Huh, so you don't know who the legislative affairs  
24 director is for your agency?

25 A. I don't -- I'm in the enforcement side, so I don't

1 engage too much with headquarter personnel, so -- and  
2 they have -- each division has their own role, so it's a  
3 pretty big agency for what it is.

4 Q. Of course it is, but nobody ever communicated any of  
5 these statements from your legislative affairs director  
6 to you?

7 A. Correct.

8 Q. Okay. Let's move on. I want to virtually hand you  
9 Exhibit E, which contains two documents.

10 A. Stand by, please.

11 Q. Of course.

12 A. E as in Edward you said?

13 Q. That is correct, so it's a two-part document.

14 A. Okay, stand by. I'm --

15 Q. Sure.

16 A. All right, I'm on it.

17 Q. Okay. So this exhibit is two documents. The first  
18 10 pages are one document, and the next page is something  
19 signed by a judge. Let's start with the first document;  
20 okay? Let me know when you've had a second to see it.

21 A. Yes. I have the first document, the first set.

22 Q. We're going to focus on the first three pages of  
23 this document for now; okay? First of all, can you  
24 identify what type of document this is or purports to be?

25 A. It appears to be a search warrant.

1 Q. Okay. And is there a name indicated on who is  
2 issuing this warrant affidavit?

3 A. It says Officer Robbie Satterly.

4 Q. Okay. Do you know Officer or Agent Satterly  
5 personally? I mean, professionally, do you know him?

6 A. I only met him -- we only worked on one warrant  
7 together, and I ran into him maybe once or twice because  
8 he works down south.

9 Q. Got you.

10 A. So yeah.

11 Q. That's fine. I have other questions for that later.  
12 That's fine.

13 Now, if you were not a certified peace officer,  
14 okay, would you have any hesitation about drafting such a  
15 document?

16 A. Yeah, because typically warrants are issued by  
17 police officers or peace officers in the state.

18 Q. Okay. And is -- to your understanding then, is that  
19 the type of authority that House Bill 1626 was attempting  
20 to manifest?

21 A. I believe so.

22 Q. Okay.

23 A. Again, it's just my personal opinion on that.

24 Q. You're a professional in your job; right? You've  
25 been there how long again?

John Jung

March 5, 2021

Page 16

1 A. Since 2008.

2 Q. Okay. I want to direct you to page 3. At the  
3 bottom -- let's go to the bottom of page 2, and it starts  
4 with training and experience. Do you see that?

5 A. Yes, sir.

6 Q. Okay. Go to page 3. There's some bullet points  
7 there.

8 A. Okay.

9 Q. The first one, he states that he has attended Basic  
10 Law Enforcement Academy. Now, sir --

11 MS. CARR: Objection, relevance. This is not  
12 about Agent Jung's qualifications, which I think you  
13 should be asking about versus another agent with whom he  
14 is not acquainted.

15 MR. KING: I'm asking about policy,  
16 Counselor. Okay, and first off, you don't know he's not  
17 acquainted. I haven't even asked those questions yet.

18 I'm trying to lay a foundation. Can I do that? All  
19 right. That's how it works; right? Yeah, that's how it  
20 works. Okay.

21 MS. CARR: Be careful, Counselor, because  
22 you're treading into yet again another unrelated case.

23 MR. KING: I'm not even talking about a case.  
24 I'm talking about this guy's background. That's the  
25 whole issue is whether or not these guys are



1     misrepresenting their capacity.

2                   MS. CARR:   You can ask Mr. -- you can ask  
3     Mr. Jung about his background, but please do not go into  
4     areas that Mr. Jung is not -- that Mr. Jung lacks  
5     knowledge.

6                   MR. KING:   You don't know that he lacks  
7     knowledge, Counselor, you don't because I believe he  
8     does.

9     Q.    Next, so he indicated that he had attended Basic Law  
10    Enforcement Academy, to come back to my line of  
11    questioning; correct?  Is that correct, sir?

12    A.    Are you asking me?

13    Q.    Yes.  You are the deponent.

14    A.    I'm seeing the Basic Law Enforcement Academy --

15    Q.    Yeah.

16    A.    (Continuing) -- listed on his -- this document, yes.

17    Q.    Okay.  Now, if I warrant to you -- okay.  In your  
18    discussions with Agent -- Officer -- I'm sorry, Agent  
19    Satterly, do you know if or when he attended Basic Law  
20    Enforcement Academy?

21    A.    That, I don't know.

22    Q.    Okay.  I'm going to virtually hand you Exhibit B.  
23    Take a look at that.

24    A.    Okay.  I'm on it.

25    Q.    Yeah, I'll warrant to you that this document was

1 forwarded to me by your counselor pursuant to my  
2 discovery request.

3 I want you to draw your attention down to the middle  
4 of that first block there dealing with Robbie Satterly  
5 where it says WSCJTC, Basic Law Enforcement Equivalency  
6 Academy. Do you see that there?

7 A. Yes, sir.

8 Q. And is there a date that corresponds to that  
9 activity?

10 A. I see it marked as 040, dot 27, dot 220 through 05,  
11 dot 08, dot 220.

12 Q. Thank you. Now, if I warrant to you that Exhibit E  
13 was authored in 2019, that would mean that Agent Satterly  
14 had not attended BLEA training, wouldn't it?

15 MS. CARR: Lacks foundation. He has no  
16 knowledge of that.

17 MR. KING: I just warranted to him that that  
18 document was written in 2019, so he's allowed to answer  
19 the question based on my representation and my personal  
20 knowledge of when it was written.

21 Q. Now, please answer the question.

22 A. What was the question again?

23 MR. KING: Okay. You know, Counselor, this  
24 deposition is going to cost me a whole lot of money if  
25 you keep interrupting me without reason, please stop.

1 Q. Okay. The question was if I warrant to you that the  
2 document I just showed you, Exhibit E, was authored in  
3 2019, that would mean that he had not attended BLEA when  
4 he wrote that document; right?

5 A. You know, I could tell you this much. The term  
6 BLEA, the Basic Law Enforcement Academy, the acronym for  
7 that, BLEA, is very unique to Washington State.

8 The other states all use the term POST, which is  
9 P-O-S-T, which stands for Police Officer Standard and  
10 Training.

11 Had he attended BLEA here, based on the date that he  
12 attended equivalency, there would be no need for him to  
13 attend the equivalency if -- had he attended at least in  
14 2019 based off of that warrant date.

15 Q. Okay. But, sir, what I'm asking you is if you look  
16 at his list, if you look at Exhibit B, which was provided  
17 to me by your counsel, it lists -- I asked for his  
18 training qualifications since he arrived in 2017; okay?

19 So, therefore, if the only notation for BLEA is for  
20 that time period, isn't it true that he couldn't have  
21 attended BLEA when he wrote Exhibit E?

22 MS. CARR: Objection, lacks foundation, lacks  
23 knowledge.

24 MR. KING: Counselor, your own document -- I  
25 asked you for the training documents commensurate with

John Jung

March 5, 2021

Page 20

1 that agent. That's what -- that's what Exhibit E is, so  
2 you can't contradict your own exhibit.

3 MS. CARR: Those documents relate to training  
4 that was secured here in the State of Washington.

5 Mr. Jung does not have knowledge about any other training  
6 other than what is on paper in front of him, so he lacks  
7 the foundation and the knowledge to answer your question.

8 MR. KING: We're going to get there if you  
9 want to play that.

10 Q. Hey, Agent Jung, do you know where Agent Satterly  
11 was a previous law enforcement officer? Was it Colorado?  
12 Correct?

13 A. Yeah, that's what I know.

14 Q. Okay. And what do they call their training there?  
15 Do they call it BLEA?

16 A. No.

17 Q. Okay. So BLEA --

18 A. Like I said before, most of the other states,  
19 including Oregon, California, Idaho and many other states  
20 in this U.S., they refer to BLEA that we call as POST,  
21 P-O-S-T, for their training.

22 Q. Yeah, so as you were just saying then, if he  
23 indicated on that warrant that he had attended BLEA, then  
24 that's not true?

25 A. That, I -- I really can't answer that one with

1 certainty, but yes. It would not be the case.

2 Q. Okay. Thank you. All right. Let's continue with  
3 Exhibit E.

4 A. Okay.

5 Q. Let's go down to -- and by the way, let's go back to  
6 the first page of this exhibit; okay? There's a case  
7 caption on it.

8 Can you identify -- actually, there's not yet, never  
9 mind, never mind now. Let's go back. Let's go to page  
10 -- numerically it's going to be page 28; okay?

11 A. All right, stand by. I'm assuming it's the  
12 conclusion page.

13 Q. Yes.

14 A. 28?

15 Q. Yes.

16 A. Okay.

17 Q. All right. You'll note that it says 2019 on it,  
18 does it not?

19 A. Yes, sir.

20 Q. Okay. And is there any signature on that?

21 A. No.

22 Q. Okay. Would it surprise you to know that we've  
23 asked for a signed affidavit, and I've never seen one?

24 A. You know, I don't know why this is relevant to my --  
25 Satterly's issue. I don't know.

John Jung

March 5, 2021

Page 22

1 Q. Well, sir, with all due respect, with all due  
2 respect, sir, if someone at the agency is overstepping  
3 their boundaries, that's kind of the point of the whole  
4 lawsuit.

5 So just answer my question until or unless Attorney  
6 Carr and I disagree to a material point; all right? Just  
7 answer my question.

8 A. Well, I don't know why he didn't sign it or what was  
9 your question again?

10 Q. Would it surprise you to find out that there -- that  
11 the world has never seen a signed version of this  
12 affidavit?

13 MS. CARR: Objection, he lacks foundation as  
14 to whether the world has ever seen a signed copy of that  
15 affidavit.

16 MR. KING: I asked him if it would surprise  
17 him. He's allowed to answer that.

18 A. Am I surprised there's no signed copies --

19 Q. Yes.

20 A. (Continuing) -- of the warrant?

21 Q. Yes.

22 A. Yeah, it would surprise me because --

23 Q. Sir, did you say would or would not?

24 A. Would surprise me if it was not signed.

25 Q. Please continue. I didn't mean to interrupt, please

1 continue.

2 A. I've served -- I've served quite a few warrants when  
3 I was with feds, and we made sure that every signature,  
4 guidelines or whatever were checked off, and so to see  
5 one that is not signed and call it a warrant is invalid  
6 based on my training and experience.

7 Q. Thank you. And I assume you wouldn't have any  
8 knowledge of Agent Satterly, whether or not he was  
9 punished for not signing it.

10 A. I would not know that.

11 Q. Okay. Let me ask you this. Do you know who Levi  
12 Lyon is?

13 A. No, sir.

14 Q. Okay. If I were to tell you that this affidavit or  
15 this unsigned affidavit was used to maintain a criminal  
16 prosecution for about a year, would you -- would that be  
17 something that you would feel comfortable doing yourself  
18 personally if you were in this position with an unsigned  
19 affidavit?

20 A. No.

21 Q. Why not?

22 A. Like I said, based on the last question, I've served  
23 with federal agents on multiple warrants or whatnot, and  
24 we always had signatures, whether it was the agent's  
25 signature or the judge's signature to execute the

1 warrants.

2 Q. Thank you, thank you. I'll warrant to you that --  
3 speaking of warrants, I'll warrant to you that Levi  
4 Lyon's case was dismissed without prejudice about a month  
5 and a half ago.

6 Okay. Has anybody at the agency informed you that  
7 Robbie Satterly, the other deponent for today, has  
8 anybody informed you that he went on leave yesterday?

9 A. No.

10 Q. Has anybody informed you that his last day at the  
11 agency is the 14th of March?

12 A. No. I didn't know that.

13 Q. Okay. Let's time out. Agent Jung, Plaintiff Novak  
14 and I filed this lawsuit in October of last year, 2020;  
15 okay? So since October of 2020, what changes have you  
16 noticed in staffing at LCB among the managerial staff?

17 A. You know, I know that the chief, Justin Littlehorn,  
18 left the enforcement division. Now he's over at the  
19 director's office as a community outreach director.

20 Q. Okay.

21 A. Deputy Johnson, his last day is next Friday.

22 Q. Wait a minute. Deputy Johnson, what's his full  
23 name?

24 A. Steve Johnson.

25 Q. Okay. What was his role?



1 A. He was the enforcement chief of operation of the  
2 LCB.

3 Q. Okay. And he's put in an abrupt resignation like --  
4 well, withdrawn.

5 A. Yeah, it was a resignation, and he stated that his  
6 last day was the 12th of March.

7 Q. Are you guys having a party for him?

8 A. Not that I'm aware of. I didn't receive any  
9 notices.

10 Q. Isn't there usually a party? I've worked in  
11 government before. When people in big brass leave,  
12 there's usually a party. What's your typical protocol  
13 there for when big brass leaves?

14 A. Yeah, we had some in the past, and due to the  
15 current pandemic, I think the last one we had was for  
16 somebody -- it was actually a captain who retired. We  
17 had a Zoom farewell party.

18 Q. Okay. Any other changes going on there as far as  
19 the big brass moving and --

20 A. The marijuana commander position got eliminated, and  
21 she's now a captain. And I'm not sure exactly which area  
22 she'll be in charge of, so there's been some shift in  
23 personnel I believe up at the top as of late.

24 Q. Okay. Let me ask you this. Has the management of  
25 your fieldwork in any way changed since October of 2020?

1 A. I would say to some degree, yes. I've worked on a  
2 couple of -- it was interesting. When I first joined the  
3 marijuana unit, they were sending me to some of these  
4 licensed locations, possible grow reports coming through  
5 as a complaint.

6 And I was directed to go in and conduct surveillance  
7 and to see if I could observe the grow, illegal illicit  
8 grows and come back and report back to the agency for  
9 them to take further action.

10 Recently I was assigned to a complaint of unlicensed  
11 location, and I was told not to do anything about it, and  
12 they just closed the complaint out as unfounded and also  
13 recently contacted by a local police department that had  
14 a subject with 68 pounds of marijuana that another agent  
15 referred me to follow up.

16 And I was told that the supervisor was going to  
17 handle it, whereas in the previous case, they directed me  
18 to go investigate and work with that local PD.

19 And it wasn't -- unfortunately, it was the same  
20 police department, Lakewood -- Lake Forest Police, so the  
21 first time around, which was about last -- about a year  
22 and a half ago, I actually contacted the officer and  
23 discussed the possible illicit grow or transaction, and  
24 this time around they told me not to do anything about  
25 it.

1 Q. Interesting. Let me ask you this. Who is David  
2 Stitt? Do you know who David Stitt is?

3 A. Yeah, he used to be a former officer of the agency.

4 Q. Okay. I interviewed David Stitt, and he recounted  
5 to me a story. I'm going to ask you if you're familiar  
6 with this, a situation at a shopping mall plaza in South  
7 Seattle where an LCB agent witnessed a potential drug  
8 activity.

9 The suspect threw a bag of drugs under a van, and  
10 Mr. Stitt warranted that he was involved in this and that  
11 he told me that they went to get local police, but the  
12 local police wouldn't do anything because they had no  
13 authority because Stitt was not a licensed peace officer.  
14 Have you heard anything about that incident?

15 A. Yeah, David actually told me about that incident  
16 some time ago.

17 Q. And what's your recollection of it? Did I nail it  
18 or is there something more you'd like to add or --

19 A. Well, the story is that they were -- he was with two  
20 other agents of our agency. They were doing a --  
21 conducting just a regular premises check at this  
22 location.

23 And when they made eye contact, I guess the  
24 individual thought that David, along with two other  
25 agents, were cops and he threw a baggy of substance under

1 the car and ran.

2 And apparently the suspect as he was running ran  
3 into a local Seattle police officer, who was doing normal  
4 patrol, and one of the agents yelled out. It was -- the  
5 agent chased him.

6 And when they caught up to him, the agent reported  
7 that the suspect threw a baggy under the car. They  
8 retrieved the baggy. The officer at the scene, the  
9 Seattle police officer at the scene took the individual  
10 into custody.

11 And at the station, apparently they dismissed the  
12 case because this agent -- the station supervisor said  
13 that their officer, the Seattle police officer did not  
14 witness the connection between the suspect and the drug.

15 And they were not able to take a witness statement  
16 from LCB agent because they lack the merit of training  
17 and experience as a peace officer.

18 Q. Okay. Thank you. Sir, who is Roger Goodman if you  
19 know?

20 A. Yeah, Roger Goodman is the Washington State public  
21 safety director or the chairperson.

22 Q. Yeah, chair, yeah. Have you ever had occasion to  
23 have lunch with my co-plaintiff and Roger Goodman?

24 A. Mr. Novak and I had several contacts during my state  
25 case, and he reached out to me and said, hey, let's

1 schedule a meeting with lawmakers. It'd be interesting  
2 in coming and sharing your story, so, yeah, that's how I  
3 met Roger Goodman at one time.

4 Q. So you did have a lunch with --

5 A. It was actually a breakfast.

6 Q. Okay. And where was it, and who all was present?

7 A. Mr. Novak, myself and Mr. Goodman.

8 Q. And where was it if you remember?

9 A. It was -- it was -- it was in Kirkland at a  
10 restaurant.

11 Q. That's good enough. Based -- what was the subject  
12 of your conversation?

13 A. It was just an overall to discuss about the lack of  
14 proper authority of LCB, and again this was just a casual  
15 meeting for me to engage in a conversation to make things  
16 right in terms of legal authority.

17 And that's when I found out -- Mr. Goodman said  
18 that, oh, you know, the liquor board's trying to seek the  
19 same legal criminal investigation authority in marijuana,  
20 vape and tobacco.

21 And at that point I had no idea that we did not have  
22 that authority, and Roger Goodman quickly finished up his  
23 breakfast and left the premises using the backdoor. And  
24 I ended up paying for his meal, and I -- to this day, I  
25 have that receipt to prove that he was there.

1 Q. Wow, huh.

2 A. And he told me that he wanted to work to, you know,  
3 fix this, so what I did was -- he provided or he asked me  
4 to draft up an email, which I followed up next day to him  
5 and his assistant and to the state. I haven't heard  
6 anything.

7 Q. Okay. You know, what's interesting -- never mind,  
8 but I'll let the record reflect that I have tendered a  
9 public record request to Roger Goodman, and he indicated  
10 to me we'd get the documents, correspondence files to me  
11 today.

12 I wrote them last night and asked them if it was  
13 going to come right after this deposition, which  
14 apparently that's going to happen. They'll probably wait  
15 till I hang up, and they'll send me those documents.

16 Okay. Anyway -- okay. So outside of Roger Goodman,  
17 let's move on to your peers as agents. Have you  
18 discussed with other agents their concern that they are  
19 not certified peace officers?

20 A. I have been discussing this matter with -- from the  
21 chief of the enforcement down to co-workers. Yes. I  
22 have for the last couple years.

23 Q. Right, but I -- right now I'm focusing on the  
24 co-workers and any steps -- anything that they have  
25 representing to you or steps you know that they have

1 taken as a result of this concern.

2 So we want to focus on that, and I want you to name  
3 each one of them by name and summarize your  
4 correspondence with them, please.

5 A. Right now a previous co-worker, Caine Hilario -- his  
6 first name is C-A-I-N-E, last name is spelled -- Hilario  
7 is spelled H-I -- one second -- H-I-L-A-R-I-O.

8 One time he advised me that there were a couple of  
9 white officers attending equivalency training after years  
10 of enforcement role with LCB.

11 And during my grievance hearing for HR and the chief  
12 of enforcement, I called the LCB out that they were  
13 sending some of these agents to get their certification  
14 behind the backdoor because I didn't know anything about  
15 it until Caine told me.

16 And sure enough, I did check to confirm that one of  
17 the agents -- and his name is Robert Raecia, and the last  
18 name is -- I can't remember his exact spelling, but it's  
19 R-A-E-C-I-A I think.

20 Anyway, so he's -- he was the first one to go  
21 through the process, and so I made that very clear to the  
22 chief and next thing I know the chief decided to enroll  
23 me into the equivalency myself and I couldn't figure that  
24 out.

25 Why would he send me to equivalency when I'm not

1 even eligible for an equivalent class? Basically the  
2 chief of enforcement offered equivalency class to me.

3 And I wasn't sure why I was enrolled in that class  
4 because I wasn't eligible to attend that class based on  
5 the prerequisite requirement.

6 Q. So from my understanding, and it's a little  
7 confusing, but correct me if I'm wrong, Verbeka -- well,  
8 time out.

9 Do you have knowledge of Robbie Satterly going for  
10 equivalency training as well?

11 A. I found that out apparently when -- during our  
12 marijuana enforcement meeting. This was before --

13 Q. Sir, the quick is, yes, you do have knowledge. Then  
14 please explain; correct?

15 A. Yes, yes. I do have the knowledge.

16 Q. Okay. Please tell us.

17 A. This happened before pandemic. We actually had a  
18 team of -- in-person meeting, a marijuana team meeting at  
19 the headquarter.

20 As soon as I sat down, Robert -- Robbie, who I  
21 rarely contact, came rushing in to me and said, hey,  
22 John, I heard that you were going to the equivalency.

23 And I had no idea how he would know that I'm going  
24 to equivalency because I don't talk about things to  
25 anybody else when it comes to that stuff.



1           Anyway, so he asked me about it. I said, yeah, I'm  
2           going to equivalency, and he said he was going to  
3           equivalency and that was the end of that conversation.

4           During my hourly lunch break I ran into him in the  
5           parking lot, and I asked him why he was going to  
6           equivalency because he's been here for years.

7           And when I asked him why he was going, he said he  
8           did not feel comfortable doing criminal investigations  
9           without being certified.

10          And at that moment I felt the rush of emotion  
11          because that's what I've been asking for this agency to  
12          do, to do the right thing for me.

13          And I said this agency is racist, and within two  
14          days I received a phone call from my supervisor telling  
15          me that somebody reported in that I called this agency  
16          racist and I called my supervisor out on that.

17          Q.    Let's back up just a little bit. Let's back up a  
18          little bit for continuity sake; okay? So you are I  
19          assume by your name an Asian male; correct?

20          A.    Correct.

21          Q.    Okay. Now, Satterly and Verbeka, Caucasian males?

22          A.    They're both white.

23          Q.    Okay. Now, again, correct me if I'm wrong. Both of  
24          them were certified peace officers in other jurisdictions  
25          before coming to LCB; correct?

John Jung

March 5, 2021

Page 34

1 A. Yes.

2 Q. So by getting equivalency training, then now these  
3 two white guys are full certified peace officers;  
4 correct?

5 A. Correct.

6 Q. So you, however -- and by the way, that equivalency  
7 is like 440 hours; right?

8 A. No.

9 Q. No?

10 A. It's 80 hours.

11 Q. 80? Okay. So let's go back to -- okay, never mind,  
12 so -- but you can't use equivalency because you were  
13 never a law enforcement officer. In order for you to be  
14 a certified peace officer, you need the whole BLEA;  
15 right?

16 A. Yeah, the equivalency is only for lateral transfers  
17 from other states or if there's a break in service of law  
18 enforcement activity, and that's very clear in the WAC  
19 rules under the --

20 Q. Okay. It's time for a WAC rule, hold on. Let's  
21 talk about what's required when you come to LCB and  
22 what's represented. Now I'm going to hand you back to  
23 Exhibit B.

24 A. All right, stand by. Okay. I'm on there.

25 Q. Okay. Let's -- we've already discussed Satterly,

1 and that was in, as we see, late April 2020, travel south  
2 to Verbeka, please.

3 A. Yeah.

4 Q. Do you see a date for his attendance?

5 A. October 25th, 2019.

6 Q. Okay. Now, sir, are there any rules regarding your  
7 duty to update your certifications when you enter  
8 employment with LCB?

9 A. Yeah, based on the current administrative code for  
10 peace officer training, they have to attend within six  
11 months of their employment.

12 Q. Okay, hang on. Is there a code section for that  
13 that you know of, sir, that supports your --

14 A. I believe it's in the 139-05-200 administrative  
15 code.

16 Q. Okay. Just a second. Yes. I thought I had that.  
17 Exhibit D, please, D as in dog.

18 A. Okay.

19 Q. And that is WAC 139-05-200; correct?

20 A. Yes.

21 Q. And could you please review paragraph 1?

22 A. Yes.

23 Q. Okay. And does that confirm what you just stated,  
24 the six months? You should be doing equivalency within  
25 six months?

John Jung

March 5, 2021

Page 36

1 A. The equivalency or the basic training, one of the  
2 two.

3 Q. Great. Now, to your personal direct knowledge,  
4 let's travel back now to Exhibit -- virtual Exhibit B as  
5 in boy.

6 A. Okay.

7 Q. Okay. Do you have personal knowledge -- let's start  
8 with Robbie Satterly. Do you have personal knowledge  
9 that he was an employee at LCB more than six months  
10 before his BLEA training?

11 A. Yes.

12 Q. Approximately how long to your recollection?

13 A. I believe he was hired back in 2017.

14 Q. So three years went by, and then Levi's case comes  
15 up and then he goes for BLEA. Okay.

16 MS. CARR: Objection.

17 MR. KING: I'm just establishing a timeline,  
18 Counselor. It is accurate; right? Yeah, it is.

19 MS. CARR: We object to the fact that you  
20 characterize it in connection with an unrelated case.  
21 Again, Levi Lyon's case is not related to your case  
22 against the State of --

23 MR. KING: I'll leave it up for Judge Jones  
24 to decide. I'm pretty comfortable in my position,  
25 Counselor.

John Jung

March 5, 2021

Page 37

1 Q. Next, Officer Robert Verbeka, his BLEA was  
2 10/25/2019. Sir, do you have personal knowledge that he  
3 has been with the LCB for more than six months prior to  
4 that?

5 A. Yes.

6 Q. Approximately how long?

7 A. I believe he was hired around 2016.

8 Q. Even longer? Okay.

9 MR. KING: So you see, Counselor, just for  
10 edification, the fact that it was Levi's case doesn't  
11 really matter so much in this question. The question is  
12 whether or not they did what the WAC rule told them to  
13 do, and they didn't, so it's clear.

14 Q. All right. Moving along, let's go back to your  
15 peers, sir; okay?

16 Did you ever have conversations with your peers --  
17 this is a two-part question. First, A is going to be  
18 peers. B is going to be something else, but did you ever  
19 have a conversation with your peers where you were  
20 concerned that you didn't have qualified immunity? Well,  
21 first, let me back up.

22 Do you know what qualified immunity is, sir? What's  
23 your perception of it?

24 A. Yeah, qualified immunity applies to officers when --  
25 let's go back. You want -- you have immunity from civil

1 liability in case of physical injuries or property damage  
2 while acting as a police officer.

3 Q. And was there any concern among your peers in the  
4 last few years that you all don't enjoy qualified  
5 immunity?

6 A. I know David Stitt and I had many discussions about  
7 that when he was here. And when I started to research  
8 and investigate this agency's mishandling of their  
9 training, David himself actually was scared of the fact  
10 that he was carrying a gun and potentially had to pull it  
11 out and shoot somebody.

12 So he asked for BLEA training, and the chief at the  
13 time told him that he was okay as is. And long story  
14 short, he ended up just quitting because he wasn't able  
15 to continue knowing that.

16 Q. And so do you find that similar to the concern that  
17 Agent Satterly told you in a parking lot?

18 A. That's exactly what it was, and he knew that at the  
19 time.

20 Q. Thank you. We're moving along here, hold on.

21 Sir, if you were in the field and you had an  
22 occasion where a theft was going on and let's say you're  
23 at a store, a retail store. You're investigating.

24 You're doing your work, and a criminal suspect walks  
25 in with a gun, and they hold someone hostage. They hold

1 a budtender hostage; okay?

2 If Cynjo's at the door working, if she still had a  
3 job, so she's still at her job working and someone comes  
4 in and puts a gun to her head. You're standing there  
5 with your service pistol. Do you have pistols or  
6 revolvers?

7 A. We have a semiautomatic.

8 Q. Is it a 9 or what?

9 A. 9 mil.

10 Q. Okay. What brand?

11 A. Smith and Wesson.

12 Q. That's classic. Okay. Anyway, now, you're standing  
13 there. You got your Smith and Wesson, and you see this  
14 going on. What's your response going to be? Are you  
15 going to draw your weapon?

16 A. Based on current level of training and experience  
17 and my knowledge of my status, I would walk away. I will  
18 not jeopardize two families over that.

19 I'd rather be the subject of the incident, but I  
20 will not pull my trigger. I had a discussion with the  
21 assistant commander of CJTC too, and you'll see that in  
22 the exhibit that I submitted to my counsel, but --

23 Q. I've seen it. We'll get there.

24 A. I -- knowing that I was able to really confirm my  
25 belief on the lack of qualified immunity, there's no way

1 in the world that I would pull my gun out for anybody,  
2 even in the case of my own life at this point.

3 Q. And, sir, do you feel that that ultimately  
4 compromises the safety of all the taxpayers? If you  
5 can't pull your gun, doesn't that compromise the safety  
6 of all the taxpayers?

7 A. It compromises everybody including myself.

8 Q. Thank you.

9 MR. KING: Let's take a break for a minute,  
10 guys. I have just a couple more questions, and then  
11 we'll take a breather.

12 Q. Sir, do you know what a Laurie List is?

13 A. Yes, sir.

14 Q. Okay. We got a couple more questions, and we'll  
15 take a break.

16 Based on our previous discussion about Agent Robbie  
17 Satterly, do you believe he should be placed on a Laurie  
18 List? Wait, wait, back up, sorry, sorry, sorry. What is  
19 a Laurie List?

20 A. It's a list that the prosecutors create to help  
21 remind themselves of cops that potentially will be a  
22 credibility issue in criminal cases.

23 Q. And isn't the premise that the -- when someone has a  
24 credibility issue as a cop -- by the way, I say cop. I  
25 just say it affectionately.



1 I was a law enforcement attorney, so I don't mean to  
2 downgrade or anything. I'm just saying cop because  
3 that's what we say. We say cops or whatever, LEOs, cops,  
4 whatever.

5 So if someone is deceitful as a cop, isn't it the  
6 duty of law enforcement, of the prosecutor to let the  
7 defendant and defendant's counsel know about it? Isn't  
8 that the point of a Laurie List?

9 A. That is so, and I'm speaking based on my prior  
10 experience as a public defense coordinator because we  
11 often -- when I engage in conversation with the defense  
12 counsels on, you know, many criminal cases, we discuss  
13 that and that's how I know about that list.

14 Q. Great, great, so you do have knowledge, terrific.  
15 And based upon our conversation about Agent Satterly  
16 earlier and his qualifications, do you believe he should  
17 be Laurie listed?

18 A. That, I cannot answer with certainty, but based  
19 on the --

20 Q. Can't or won't?

21 A. What was that again?

22 Q. Can't or won't? What is your opinion?

23 A. My personal opinion? He should be.

24 Q. Thank you. Have you personally witnessed other  
25 agents falsely claiming to be peace officers?

1 A. My quest for that started back in 2017 when one of  
2 the agents at the board -- his last name is Chue, spelled  
3 C-H-U-E.

4 I participated in his search warrant for a cigarette  
5 case, which was a roll your own cigarette tax evasion  
6 case where he listed his activities to get the search  
7 warrant, and I obtained a copy of it because I  
8 participated in the warrant.

9 In that warrant, in the training and experience  
10 section he listed himself as a limited authority peace  
11 officer, and I knew at that point for a fact that he  
12 wasn't because he came from IRS.

13 And so I filed a public records request, and I was  
14 able to get admission from the agency that because he did  
15 not attend the Washington State Criminal Justice Training  
16 Commission's Basic Law Enforcement Academy, he was not a  
17 Washington State peace officer.

18 Q. Thank you, and I believe that is your Exhibit 15  
19 we're going to get into in the next hour; correct?

20 A. I'm not sure which one it is on the exhibits, but I  
21 know I submitted that.

22 Q. Okay. Thank you. Sir, who is William Clark, Bill  
23 Clark? Have you heard that name?

24 A. No.

25 Q. Okay, skip that.

1 MR. KING: Let's take a break, guys, about  
2 five minutes.

3 (Recess taken.)

4 Q. Sir, earlier I asked you if you knew an agent by the  
5 name of Bill Clark, and you said no.

6 A. Correct.

7 Q. Okay. I will warrant to you as proved in a YouTube  
8 video a couple days ago that Mr. Clark telephoned me, and  
9 I will quote from that video.

10 He said the cronyism and ineptitude is a cover for  
11 maliciousness. You will not speak in a manner that does  
12 not support this agency or you will not get a promotion.

13 Okay. On a scale of 1 to 10, 1 vehemently disagree,  
14 10 vehemently agree, where would you place yourself on  
15 that continuum regarding that statement?

16 A. 10.

17 Q. I'm sorry?

18 A. 10.

19 Q. Okay, thanks. He also said that -- he labeled the  
20 entire enforcement modus operandi as, quote, arbitrary  
21 and capricious, end quote.

22 Do you know what arbitrary and capricious means, and  
23 if so, how would you characterize it?

24 A. I would agree with that. As a matter of fact, I  
25 testified before the Commerce Committee to -- with the

1 same notion that we have serious issues here at the  
2 agency.

3 One day certain policies are acceptable. Within a  
4 week that policy changes without any reasoning behind it,  
5 and the agents are -- actually, we find out the changes  
6 to policies from licensees. We don't even get that  
7 message through the chain of command.

8 Q. Yes. I know earlier you said you never got the memo  
9 from Chris either on the H.B. 1626; correct?

10 A. Yeah, yeah, so when I heard that one, particularly  
11 from the chairperson himself, I was in shock that we were  
12 acting, yet we didn't have this bill approved.

13 At that point on I did additional research that  
14 resulted in tons of other bills that LCB attempted to  
15 pass for not only the authority within those, you know,  
16 four categories or three categories of marijuana, tobacco  
17 and vape, but they were attempting to expand their  
18 criminal investigation authority into Title 9 of the  
19 Washington RCWs.

20 Q. Oh, wow.

21 A. Even into the general authority, and all that went  
22 down the tube.

23 Q. Time out, time out. Sir, sir, time out. You froze  
24 for a second. So after you mentioned Title 9, you said  
25 something and it blocked for a second, please repeat.

1 A. So the agency not only attempted to expand the three  
2 categories of the current field of regulatory  
3 enforcement, but they also attempted to expand their  
4 authority beyond that into criminal investigation  
5 authority, into Title 9 and other stuff and all of that  
6 went down as well as House Bill 1626.

7 Q. Yeah, there were about five or six bills, were there  
8 not during your tenure, five or six bills that were  
9 launched in the same vein, were there not?

10 A. Yeah, it was pretty much a year after year, attempt  
11 after attempt, and I remember back in 2014 when the  
12 marijuana enforcement regulatory component came into our  
13 hands after the 502 passed.

14 The agency attempted to gather agents' training  
15 records to be submitted to CJTC because they were seeking  
16 peace officer authority, and the CJTC wanted to review  
17 our training records to see if they could just simply  
18 grandfather us into the program.

19 And upon review, they said no. You guys are not  
20 qualified. You want -- you want peace officer status?  
21 You all need to come back to the training, and at that  
22 point the agency decided to take a different route to  
23 continue their current mission.

24 Q. Which basically is just acting as if; isn't that  
25 right?

John Jung

March 5, 2021

Page 46

1 A. Based on current standing, yes.

2 Q. Okay. Sir, are you aware of the concept that a  
3 state agency can be found liable for a civil rights  
4 violation for acting in an arbitrary and capricious  
5 manner?

6 A. Yes, and that's the reason why I refuse to pull my  
7 gun out, and I refuse to take any criminal enforcement  
8 activity knowing the fact that I'm in that position.

9 And I've made it very clear to the management that  
10 not only me, but then again my supervisor, who's  
11 directing me, could end up being in the same situation,  
12 so --

13 Q. So you feel like a sitting duck then, yeah?

14 A. Oh, yeah, very much so.

15 Q. Okay. Have you ever heard of a case -- you probably  
16 have not, but in your training has anybody at LCB ever  
17 told you about the case of Hayes versus City of Seattle,  
18 934 P.2d 1179, 1977? Have you ever heard of that case?

19 A. No, sir.

20 Q. Okay. Never mind, that's okay.

21 MR. EISENBERG: So, Officer Jung, could I get  
22 you to summarize your testimony that you gave in front of  
23 the Commerce and Gaming Committee?

24 A. Yeah, basically I told the committee members that we  
25 have a bunch of officers that are acting with

1 inconsistent authority. Some have served the warrants  
2 that -- or listed in the warrants that they were not  
3 properly trained, and, in essence, falsifying the  
4 warrant.

5 And I told them that I had examples and whatnot,  
6 but, you know, based on those testimony, there being such  
7 a time sensitive or time limited that I wasn't able to  
8 provide all the documents, and so that's pretty much all  
9 I know or remember obviously.

10 MR. EISENBERG: Well, it's my understanding  
11 that this was a committee hearing that was brought  
12 forward due to pressure that was put on by a letter from  
13 10 different legislators.

14 And in this letter, there was -- they brought up the  
15 term toxic culture, and I've heard that term a lot when  
16 relating to the Liquor Control Board and I've heard it  
17 from several agents.

18 So what does that term mean really to you when you  
19 hear that the LCB has a toxic culture?

20 A. I consider LCB to be a family run business. It's a  
21 Mafia oriented agency. I've heard of Director Garza's  
22 family member being hired into a position working and  
23 practically doing nothing, yet they have -- you know, get  
24 high praises in their performance evaluations.

25 I have also heard of LEO agents being hired through

1 special treatment. I've actually identified one guy  
2 whose name is Jordan Anderson, common spelling last name.

3 He failed the physical agility test at the agency  
4 when he was first hired on, but was allowed to come into  
5 the agency, train, being prepared for CJTC police  
6 academy's physical agility test because of his  
7 connection.

8 And it turns out -- I did a little background  
9 investigation. It turns out his mother works for Finance  
10 Department of LCB.

11 And we had another white Caucasian officer who got  
12 hired, and he was fast tracked to a sergeant within I  
13 think, what, two, three years because his aunt was a -- a  
14 person -- was the HR person.

15 If you're not with the program with this agency,  
16 you're not part of the agency. In other words, sooner or  
17 later you are shown the door.

18 Q. Okay. The second agent you just discussed, he was  
19 hired -- you said they fast tracked in three years. What  
20 was his terminal position or where did he -- what level?

21 A. He was initially hired as an entry, and he went  
22 through the academy, and he became a sergeant and he left  
23 the agency. He went to Des Moines Police Department now  
24 because he was able to lateral over to that agency.

25 MR. KING: Okay. So, John, does that answer



1 your question?

2 MR. EISENBERG: Yeah, pretty much. I think  
3 so.

4 So the only other question I really have on this is  
5 in the years that I have lobbied and spoken with the  
6 directors and the chief and everybody, it seemed that the  
7 state had a definite bias when it came to people who use  
8 cannabis.

9 Did you -- do you find that was part of the toxic  
10 culture when the agency began regulating the actual  
11 passage of 502?

12 MS. CARR: Objection, relevance. This is a  
13 lawsuit about LCB officers and their authority, their  
14 legal authority. This is not a lawsuit about the LCB and  
15 its general culture.

16 MR. KING: Well, with all due respect,  
17 Counselor, that general culture pervades how it runs its  
18 affairs and that's my theory of the case.

19 You can't really disturb that, and I think -- so  
20 your objection's noted for the record, but you can't  
21 interfere with my theory of the case.

22 MR. EISENBERG: Well, my issue is that this  
23 is an agency that has put emphasis on enforcement that  
24 they don't have over regulating a cannabis product that  
25 patients like myself were told that it would be regulated

1 in a model, that we would have protections and proper  
2 testing.

3 And from everything that I'm hearing, it sounds like  
4 they're more interested in going after people like  
5 myself, and I'm wondering if that seems to be part of the  
6 culture that exists within the agency.

7 MR. KING: That's correct, so yes. I think  
8 it's a valid question.

9 Q. Please answer the question, Agent.

10 A. Initially when the 502 passed, many of the agents or  
11 the -- even the captains within my own region, you know,  
12 identify these growers as drug dealers or criminals, and  
13 that we need to really take a hardcore approach in  
14 enforcing it.

15 And that's one of the reasons why they attempted all  
16 these bills, extended authority, general authority  
17 because they knew that there was a huge gap in our  
18 ability to get the job done, but to my surprise even with  
19 these failed bills, they forged on anyway.

20 Q. Great, that's a perfect segue. Let's take you on to  
21 a virtual handout of Exhibit G, please.

22 Sir, as you start to review this document, I warrant  
23 to you that this is a -- that there has been a  
24 modification to this document because I found it on my  
25 co-plaintiff's website.

1 And the modification is that there is a police crest  
2 placed on it that you did not place when you allegedly  
3 wrote this, and so I just want to clarify that for the  
4 record that you did not attach this.

5 But while we're on the logo, when you look at that  
6 logo, does it imply to you that -- let me ask it a  
7 different way. Well, no. I'm going to ask it two ways.

8 Okay. Does it imply to you, looking at it, that the  
9 Liquor Cannabis Board are police officers?

10 A. I've been a reserve police officer before in another  
11 city, and I know those shoulder patches and I was -- it  
12 came to a shock to me when LCB decided to put that on  
13 their uniforms.

14 I think -- I believe this was back in 2015. Any  
15 general public when they see that shoulder patch believes  
16 -- they would assume it's a general authority.

17 Q. Thank you. You answered both my questions in one.  
18 Thank you. So could you review the rest of the document,  
19 notwithstanding that logo?

20 A. I wrote that letter. That's my writing, yes.

21 Q. Okay. And so you -- and today you stand by  
22 everything that you wrote within that letter?

23 A. Yes.

24 Q. And when did you write it? Well, that's a compound  
25 question, stop. When did you write it?

1 A. I believe this was actually a letter that I prepared  
2 for the hearing, the safety committee hearing because my  
3 attorney told me that -- that, you know, if I was  
4 comfortable testifying and to prepare a statement because  
5 during that timeframe, I also was contacted by the  
6 Washington State Cannabis Association representative.

7 And we kind of coordinated this testimony, and I had  
8 drafted up a huge letter and my attorney said you don't  
9 have much time to say all that, so I kind of revised the  
10 testimony.

11 Q. Okay. I want to draw your attention to the bottom  
12 of the first page; okay?

13 A. Okay.

14 Q. There is a paragraph that starts with essentially.

15 A. Yes.

16 Q. And I want you to read the last three paragraphs on  
17 that page, and then the first three on the next page.

18 A. First three paragraphs and then the next three  
19 paragraphs on the next page you said?

20 Q. Yeah, so the last paragraph you're going to read on  
21 the next page, it starts with these troubling.

22 A. Okay.

23 Q. So please, for the record.

24 A. It says, essentially WSLCB created a substandard  
25 police training for recruits, thereby not meeting the

1 requirement of being a Washington peace officer, in  
2 parentheses, RCW 43.101.095, parentheses, but yet calling  
3 themselves peace officers.

4       Soon after Washington State privatized liquor sales  
5 and legalized marijuana, the agency met with many  
6 challenges to these -- to this new role and  
7 responsibilities according to the internal agency  
8 documents.

9       Most notably the agency attempted year after year to  
10 expand LEOs' authority including grandfathering in  
11 existing LEOs to peace officer status in order to  
12 alleviate these legal challenges.

13       Unfortunately, it never gave enough support to  
14 expand and legalize LEOs as peace officers. However, in  
15 late 2017, the agency with another set of actions  
16 implemented policies not only identifying LEOs as peace  
17 officers, but also encroached into general authority law  
18 enforcement activities.

19       These troubling actions have left me with doubts  
20 about agency's integrity including misinformation in  
21 LEOs' annual performance evaluation forms which indicate  
22 as if LEOs attended and completed BLEA training,  
23 regardless of previous training records.

24 Q. That's fine, and so just to be clear, you stand by  
25 that statement today; correct?

1 A. Yes.

2 Q. Thank you. I think we're almost ready to move on to  
3 your exhibits, hang on. All right, then yes. Let's move  
4 on to -- you can pull up your -- no, one second.

5 Before we move on, let's go to Plaintiffs' Exhibit  
6 F, please. I'll represent that this is a --

7 A. What page is that on?

8 Q. Page 34 numerically.

9 A. Okay.

10 Q. I will for the record just identify this document as  
11 an email that was generated involving Stafne Law Office  
12 about January 8th, 2020, and have you reviewed the  
13 document, sir?

14 A. Yes, sir.

15 Q. Okay. Do you understand what it is? Let me ask you  
16 this. Who's it from? There's an email that --

17 A. It looks like it was from Lewis County to the law  
18 firm.

19 Q. Is there a title associated with whoever wrote this?

20 A. Yeah, it's a request for production of documents per  
21 GR 31.1 and/or RCW 42.56.

22 Q. Okay. But who signed the email, sir? Who signed it  
23 on the second page?

24 A. The senior deputy prosecutor.

25 Q. Correct, correct, and would it surprise you that the

1 Lewis County prosecutor could never find a signed  
2 affidavit from Robbie Satterly in the Levi Lyon case  
3 either?

4 MS. CARR: Object to relevance.

5 MR. KING: Arbitrary and capricious and  
6 overextension of authority.

7 Q. Please answer the question.

8 A. Would it surprise me?

9 Q. Yes.

10 A. Yeah, it's surprising that he didn't sign it.

11 Q. Thank you. Okay. Let's move to your list, your  
12 documents rather. Here we go.

13 So before we start, can I get you to verify that you  
14 have not altered any of these documents that were  
15 presented?

16 A. Yes, sir.

17 MR. KING: Okay. Counsel, could we have a  
18 stipulation that these documents occurred in the ordinary  
19 course of business then? Counselor?

20 MS. CARR: I'm reviewing them quickly. I  
21 need to decide.

22 MR. KING: Okay.

23 MS. CARR: These all appear to have occurred  
24 during the ordinary course of business, yes.

25 MR. KING: Very well, thank you.

1 Q. So let's start with page 1, sir, of your Exhibit 1.

2 A. Okay.

3 Q. Why did you generate this document?

4 A. I was told to by the chief to provide him with the  
5 equivalency academy's assessment report.

6 Q. Your assessment of the equivalency academy?

7 A. Correct.

8 Q. Okay. And let's understand about paragraph 2, which  
9 seems to be the paragraph -- could you read the second  
10 paragraph for us and explain that?

11 A. Are you talking about the one that starts with the  
12 biggest takeaway?

13 Q. That one. Seeing as that's probably the major  
14 premise of your letter, yes, please.

15 A. The biggest takeaway from attending the class was  
16 the fact that I was able to reconfirm my current status  
17 as being a non-peace officer, despite agency's policies  
18 claim.

19 In fact, it was abundantly clear from CJTC's email  
20 that I wasn't even eligible to attend this equivalency  
21 class unlike the other two Caucasian officers, Robbie  
22 Satterly and Robert Verbeka.

23 At the end of this course, I was no better off than  
24 before the class whereas the other two officers took the  
25 necessary steps forward to peace officer certification.



1 Q. Great. Now let's go back for a quick minute to  
2 plaintiffs' exhibits; okay? I forgot something. Okay.  
3 Let's pull up Exhibit C for cocaine. Are you there?

4 A. Yes, I'm on it.

5 Q. One second. Okay. In the first page under  
6 distinguishing characteristics, what was your impression  
7 of what that meant for you to be an LCB Enforcement  
8 Officer 1?

9 A. That I was going to complete CJTC's Basic Law  
10 Enforcement Academy. In fact, when I applied for the  
11 job, that was listed as one of the -- a continued  
12 employment requirement.

13 And I've actually contacted -- when I was using  
14 references for this job, I had listed one of the  
15 detectives out of the police department because I knew  
16 him.

17 And he was very excited that I was actually going to  
18 the academy, to the BLEA training course, and he told me  
19 that in case LCB doesn't work out, there will be a red  
20 carpet to his department.

21 And so I pretty much had another job offer before I  
22 completed this class, and so, yeah, my impression was  
23 that I was going to have the certification as a peace  
24 officer in Washington State.

25 Q. Thank you. Now let's move on to your Exhibit 2;

1 okay? And it's going to be numerically page 4.

2 A. Okay.

3 Q. You sent this on or about May 15th of 2019. Was  
4 this after or before your meeting with Roger Goodman?

5 A. I'm not sure.

6 Q. Was it around the same time?

7 A. I don't know. I know it was in 2019. I'm not sure  
8 when I had a meeting with Roger. I'd have to go back and  
9 look at my receipt.

10 Q. Well, okay. So my take on this email, and correct  
11 me if I'm wrong, is that you were reprimanded for not  
12 doing things in the field that you weren't comfortable  
13 doing because of your status.

14 A. Correct.

15 Q. And this is your response to that?

16 A. Correct. I couldn't stay silent. I needed to speak  
17 up. I needed to make a documentation of it. That's what  
18 my attorney told me, advised me at the time that from  
19 here on, she told me very clearly to have everything  
20 documented and so that's what I did.

21 Q. Yes. Let's go down to the beginning of -- well,  
22 let's go down to the end of that page, and about a  
23 quarter of the way up there is a paragraph that starts  
24 with I was duped. Do you see that?

25 A. What page is that?

1 Q. It's going to be numerically the same page.

2 A. Page 4?

3 Q. Yes.

4 A. Okay.

5 Q. Okay. And that paragraph that starts with I was  
6 duped.

7 A. Yeah.

8 Q. Could you read the first sentence of that paragraph,  
9 please?

10 A. I was duped to think that I was a certified limited  
11 authority law enforcement officer after completing my  
12 training at CJTC and receiving a certificate.

13 Q. Thank you. Do you still stand by that today?

14 A. Yeah.

15 Q. Okay. Let's move along, next page.

16 A. Okay.

17 Q. All right, see that paragraph that has the bold, the  
18 italics in there?

19 A. Yes.

20 Q. Could you read that paragraph into the record for  
21 us?

22 A. Initiatives 1183 and 502 --

23 Q. No, no, back up, back up, back up, back up. I want  
24 the whole paragraph. What is clear, that one.

25 A. Oh, what is clear? Okay. What is clear, according

1 to the 2013 House Bill 1876, is that the fact -- is the  
2 fact that in part, Initiative 1183 and 502 require these  
3 WSLCB officers to do more than what they actually have  
4 the legal authority to do.

5 Currently, the WSLCB officers do not have the  
6 authority to arrest a person in a bar due to shooting,  
7 who may be wanted on a warrant or even due to a bar brawl  
8 or prostitution.

9 Q. Okay. Do you still stand by that today?

10 A. Yes.

11 Q. Thank you. Moving along, I'd say we got probably  
12 another 15 minutes or so. I think we'll be wrapping up  
13 soon. Let's go to No. 3, and numerically, sir, I'm going  
14 to be looking at page 8.

15 A. Okay.

16 Q. All right. So this was written on May 5, 2019.  
17 First, identify what that document is, please, and what  
18 letterhead is it on?

19 A. It's on official Washington State Liquor Cannabis  
20 Board interoffice communication.

21 Q. Okay. And who's it from?

22 A. It's from Agency Chief Steve Johnson.

23 Q. That's the guy that reprimanded you, right, because  
24 he's got -- he's the guy that reprimanded you; right?

25 A. Correct.

1 Q. Okay. Now, this was four months after -- go to  
2 Plaintiffs' Exhibit A, please.

3 A. Okay.

4 Q. Could you identify Exhibit A for us real quickly?

5 A. It's Chris Thompson's letter to Roger Goodman.

6 Q. Yes, and she's asking for what?

7 A. It's requesting extended authority in the alcohol  
8 domain to cannabis, tobacco and vape products.

9 Q. Right, okay. But you never got that, but on May  
10 5th, 2019 you got written up by Thompson --

11 A. By Johnson.

12 Q. By Johnson for not doing activity that was  
13 questionable to you?

14 A. Correct.

15 Q. Okay. Thank you.

16 A. And for the record, I ended up actually getting  
17 monetarily penalized.

18 Q. Is that right?

19 A. I had a reduction in pay for several months for  
20 defying their orders, which I believed to be illegal  
21 activity.

22 Q. Is that right? Did you have a Loudermill hearing?  
23 Do you know what a Loudermill hearing is?

24 A. Yes, sir. As a matter of fact, I included that as  
25 part of the package when I submitted it to my counsel.

1 Q. I see. I see that one. I'm just clarifying it for  
2 the record. What is a Loudermill hearing just so we  
3 understand that you know what it is?

4 A. Well, it's basically -- you know, it's an  
5 investigation done on performance evaluations and  
6 conducted by HR.

7 Q. You had an opportunity -- you get an opportunity to  
8 clear your name? Is that what you --

9 A. Yeah, at least that's what they say, but I've heard  
10 from other agents, past, present of how they conduct  
11 their work here by HR.

12 As a matter of fact, I chased away approximately  
13 four or five HR consultants through the course of my time  
14 here.

15 Q. What do you mean by that?

16 A. They left the agency when I complained --

17 MS. CARR: I object to the relevance to this  
18 line of questioning. This is not about John Jung's HR  
19 encounters.

20 MR. KING: Well, with all due respect, it  
21 certainly is because we're talking about retaliation and  
22 the theory of the case is arbitrary and capricious.

23 I got another agent just called me on the phone. On  
24 Facebook -- on YouTube you could hear it saying that if  
25 you speak about them in a way they don't want, they're

1 going to punish you. The heck it isn't relevant,  
2 Counselor. It's the most important thing.

3 Q. Please answer the question.

4 A. What was that again?

5 Q. I keep getting distracted, man, hold on. Let me  
6 circle back, just hold on. You were describing --

7 MR. KING: Court Reporter, could you please  
8 read back what he was saying?

9 (The answer was read back.)

10 A. Yeah, basically when I confronted on the lies, how  
11 they conducted their investigations, and so the last one  
12 being -- his name is Samuel Young, common last name  
13 spelling where he identified himself as an internal  
14 affairs investigator.

15 And typically when you say internal affairs  
16 investigator, you're referencing yourself as a detective  
17 in a police department.

18 One time he identified to a licensee that he was an  
19 outside consultant looking into HR's -- I mean the LCB's  
20 practice to gain access to some information from a  
21 licensee, and he also listed on one of my documents that  
22 LCB agents worked 24/7/365 days a year, which is far from  
23 the truth.

24 We only work under 60 hour work block in 28 days.

25 We do not work on holidays because the state does not

1 want to pay us time and a half.

2 And we do not have engagement of officers out there  
3 around the clock, but that's how he listed on my job  
4 description, which I had to correct at the time of my  
5 vocational counseling because I had an on duty accident  
6 that required surgery.

7 And so there was a lot of misleading information,  
8 different misleading tactics, and the end result were  
9 that five or six -- I would say four or five HR  
10 consultants ended up leaving the agency.

11 Q. Thank you. Let's move on to Exhibit 9, please.  
12 This is going to be page 179.

13 A. Okay.

14 Q. All right, one second. All right. Is that an  
15 e-mail that -- identify the document, please.

16 A. It's my email exchange communication between the  
17 chief of enforcement and LCB.

18 Q. Okay. And what's the content going on? What's  
19 going on in the email regarding your BLEA training?

20 A. Basically when I called the chief out, I then  
21 learned that there was a backdoor of equivalency training  
22 offered to these Caucasian officers.

23 He turned around and told me it was a pilot program,  
24 and that they were running this to determine if the  
25 agents with the board required it or needed it and



1 extended that offer to me, so essentially that's what  
2 that content is.

3 Q. Okay. Let's go to Exhibit 12 numerically. I want  
4 to go to page 192 followed by 193; okay?

5 A. Okay.

6 Q. There's a paragraph that starts with honestly, and  
7 in that paragraph you state that honestly LCB has yet to  
8 provide even an ounce of evidence why we are suddenly  
9 limited authority peace officers; okay?

10 A. Okay.

11 Q. Do you stand by that claim today?

12 A. Yes, sir.

13 Q. Okay, please explain. Were there any moves that  
14 were made by LCB to suddenly change your classification?

15 A. To change my classification?

16 Q. Yeah, to recharacterize your authority.

17 A. In 2017 I saw that they implemented in the Lexipol  
18 policy, which is internal agency policy, to define the  
19 LEOs as limited authority peace officers under that  
20 title, the RCW 10.93.20, and that they extended our  
21 authority into the RCW 10.31.100, which is a class of  
22 criminal activities that we could engage in arrest.

23 And I -- as soon as I read that, I contacted my  
24 defense counsel friend and asked, you know, like how is  
25 this even possible, and they pretty much told me that

1 they were troubled by that language.

2 And initially I did not acknowledge that policy for  
3 some time, and I ended up getting reminder notices to the  
4 point where I was forced to acknowledge and so -- and I  
5 believe that's that Policy 100 of the Lexipol policy.

6 Q. We're going to get to Lexipol. Yeah, we're going to  
7 talk --

8 A. Anyway, so basically that's what whole point is.

9 Q. Okay. We'll get to Lexipol in just a minute as we  
10 get ready to wind down here, just a couple more areas,  
11 guys.

12 Let's go to page 193; okay? And at the bottom of  
13 that page, you cite to one, two, three, four, five, six  
14 -- you cite to six different bills that were offered to  
15 give full authority to LCB agents, did you not?

16 A. They weren't full authority. There are parts where  
17 full to extended authority.

18 Q. In other words, each of these bills would have in  
19 some way given criminal investigative authority to people  
20 like you?

21 A. Yes.

22 Q. Okay. And do you know the results of each of these  
23 bills?

24 A. They all failed.

25 Q. Thank you. All right. Who is Pholeng Chue?

1 A. That's the agent that worked on that roll your own  
2 cigarette search warrant case.

3 Q. And that's Exhibit 15 on -- that's going to be the  
4 end of your exhibits. Let's scan down to -- that, I  
5 believe starts at page 206, please.

6 A. Okay.

7 Q. Okay. Can you identify what that document is?

8 A. It's an LCB search warrant.

9 Q. Okay, very good.

10 A. Application, yeah.

11 Q. Okay. And does he make a representation in that  
12 warrant as to his qualifications?

13 A. Yeah, as I stated earlier that he listed himself as  
14 a Washington State limited authority peace officer.

15 Q. Okay. And so similar to the unsigned Robbie  
16 Satterly affidavit, is it not?

17 A. You know, I did not know that until now. I just  
18 happened to see it that he -- it was an unsigned  
19 document.

20 Q. Right, okay. And how did you come into possession  
21 of this warrant that Pholeng Chue drafted?

22 A. Like I said before, I was engaged in this search  
23 warrant because they were targets -- the targets were  
24 Korean nationals I believe, and they did not speak Korean  
25 and so I was -- I was their interpreter.

1 Q. Okay. And what actions did you take regarding --  
2 when you discovered this representation, did you take any  
3 actions?

4 A. When I started the warrant or participated in the  
5 warrant, I did not take any actions other than what I was  
6 told to do.

7 I think it was after the fact that I read this  
8 warrant and realized that there was an issue with how he  
9 identified his training records.

10 Q. Well, that's what I'm getting at. That's what I'm  
11 getting at is what did you do at that point?

12 A. At that point, I requested the agency to see if he  
13 acquired additional training to be a peace officer, so  
14 basically I did a public records request and asked for  
15 his training records.

16 Q. I see, and what was the result of that?

17 A. Initially they tried to deviate my question and said  
18 that, oh, he attended Federal Law Enforcement Academy  
19 known as FLETC and were directing me, if I was seeking  
20 that record.

21 And I said no. I am not seeking that record. I'm  
22 looking for the Washington State training records. I  
23 don't care about the federal. I know what the federal  
24 system is and what that training requires.

25 I made it very clear to them back and forth with

1 several email exchanges, and it's attached to this that I  
2 asked for Washington State.

3 Long story short, after several weeks later they  
4 finally admitted that he did not attend Washington State  
5 Criminal Justice Training Commission. Therefore, he is  
6 not a Washington State peace officer.

7 Q. Okay. Let's move on to page 244 of that exhibit,  
8 please. Actually, let's go to 243 or hold on. Yeah,  
9 let's start with page 242; okay?

10 And is that a series of emails that you were having  
11 with the public records officer about all of this?

12 A. Correct.

13 Q. Okay. Let's move on to 244, yes. Could you please  
14 read the response at -- the whole paragraph, read the  
15 whole paragraph, 244.

16 A. We conducted a search of our public records log and  
17 folders for requests regarding Officer Chue. The only  
18 request that we located regarding Pholeng Chue's  
19 Washington State peace officer status was request that  
20 was submitted by you on May 8, 2018.

21 We will note to you that no records were provided to  
22 you under that request because Officer Pholeng Chue did  
23 not complete training through the Washington State  
24 Criminal Justice Training Commission.

25 He completed training through the Federal Law

1 Enforcement Training Center, and therefore does not have  
2 Washington State peace officer status.

3 The WSLCB must only provide existing records and  
4 does not have to create records through response to a  
5 public records request, RCW 42.56.080. Therefore, we  
6 must respectfully deny your request for records.

7 Q. Okay. And so, sir, is it your understanding that  
8 his federal training has no bearing on whether or not  
9 he's a licensed -- a certified peace officer in the State  
10 of Washington?

11 A. I spoke to -- and I have a pretty good relationship  
12 with the assistant commander at CJTC, the Police Academy  
13 of Washington State because he was -- used to be a Fife  
14 police officer.

15 And during our discussion, telephone discussion, he  
16 made it very clear that federal training is not  
17 recognized in Washington State.

18 Therefore, if a federal agent, any agent wants to be  
19 a local or Washington State Fish and Wildlife or  
20 Washington State trooper, they must attend BLEA in order  
21 to be a Washington State peace officer.

22 Q. Okay. Yeah, and, in fact, sir, are you aware of the  
23 process by which the state troopers in Washington became  
24 certified peace officers because they're not -- they were  
25 not certified peace officers originally either, were

1 they?

2 A. I'm not too familiar with the process, but I know  
3 that they attend Washington State Police -- I mean Patrol  
4 Academy, which is separate from CJTC local police  
5 academy. Their hours are 1,200 -- I think 1,240 or 1,400  
6 hour training versus the 720 training for BLEA class.

7 Q. Never mind. I thought there was some legislation I  
8 read about to make sure that they were classified -- I  
9 can't find it right now, so --

10 A. Oh, yeah, actually for the longest time, they and  
11 the Fish and Wildlife agents or officers were not deemed  
12 as peace officers in the state.

13 And I'm not sure of the exact year, but there was a  
14 law that enacted to make them a peace officer in the  
15 State of Washington because they did not go through the  
16 BLEA training.

17 But I want to say that it's somewhere in the mid  
18 2000 maybe, early 2000 that law changed. I remember  
19 discussing that with the CJTC instructor about it, and  
20 that's when I learned about that process.

21 Q. Interesting. Yeah, it was somewhere. I think Novak  
22 sent it to me somewhere. There's a lot to keep track of,  
23 so I'm sorry if I was unclear on that.

24 All right. We're winding down. Are you familiar  
25 with, sir, the Hillard Heintze agency?

1 A. Yes.

2 Q. What do they do?

3 A. Well, they provide consulting, a risk -- they're a  
4 risk management consulting firm related to a lot of the  
5 law enforcement agencies and government agencies is my  
6 understanding.

7 Q. And to your knowledge, did LCB ever commission them  
8 to do a report?

9 A. As a matter of fact, they came in to conduct the  
10 assessment of LCB as a result of my testimony or part of  
11 it that caused that consultation, so yeah.

12 Q. And what year was the Hillard Heintze report issued?

13 A. I think it came out in late 2019.

14 Q. Okay. And what is Lexipol? You referred to it  
15 before. Could you tell us what Lexipol is?

16 A. Lexipol is our agency, internal agency policy that  
17 we utilize. It's a third-party company that provides  
18 risk management and also policy enhancement for law  
19 enforcement agencies around the country.

20 Q. Okay. And did the Heintze report make any  
21 recommendations to LCB about the use of Lexipol as a, you  
22 know, policy manual?

23 A. They recommended that we don't use Lexipol because  
24 Lexipol policy is more geared towards law enforcement,  
25 and LCB is not law enforcement. They identify it as a



1 regulatory agency.

2 Q. And so to be --

3 MS. CARR: Do you have a copy of this report  
4 as an exhibit that the witness can refer to?

5 MR. KING: I don't. He's testifying from his  
6 own recollection, and I'm -- I believe I filed it with  
7 the court, so he's allowed to testify from his  
8 recollection and I'll match it up to --

9 MS. CARR: I would object to the extent that  
10 you are using Mr. Jung's recollections as a way to prove  
11 a matter of fact, that it is hearsay.

12 MR. KING: Well, we'll let Judge Jones decide  
13 that. He's allowed to testify from his recollection.  
14 It's not -- you know, and to the extent that it's  
15 hearsay, I'll just produce the document. You already  
16 have it. This is gamesmanship.

17 Q. So please answer the question.

18 A. What was the question? I was interrupted.

19 Q. I know. I keep -- I keep spending more money. I'll  
20 tell you, just clarify your answer then.

21 To your recollection, did the Heintze report make  
22 recommendations as to the use of Lexipol at LCB?

23 A. Yeah, they recommended that Lexipol was more of a  
24 law enforcement oriented policy, and that the LCB was  
25 more of a regulatory, so therefore they advised that or

1 recommended that Lexipol should not be utilized for LCB  
2 enforcement.

3 MR. KING: Okay. We'll break for about three  
4 minutes, and then we'll wrap it up.

5 (Recess taken.)

6 MR. KING: Well, folks, I feel confident that  
7 I have produced everything I need to produce from this  
8 witness. I'm going to let him go. Do you have  
9 questions, Counselor?

10 MS. CARR: I do. I have a couple questions  
11 for Mr. Jung.

12 EXAMINATION

13 BY MS. CARR:

14 Q. Mr. Jung, did you -- have you recently -- have you  
15 ever filed a lawsuit against the LCB?

16 A. Yes, I have.

17 MR. KING: Objection, relevance.

18 MS. CARR: The relevance is -- you'll see in  
19 a minute.

20 MR. KING: Okay. I'm just objecting for the  
21 record. I'm allowed to do that as you did all throughout  
22 mine because they're two separate issues. Anyway, go  
23 ahead.

24 Q. Mr. Jung, was your lawsuit related to the LCB's  
25 designation of you as a limited authority peace officer?

1 A. Yes.

2 Q. And what was the result of that litigation?

3 A. I lost the case.

4 MS. CARR: Thank you. I have no more  
5 questions for Mr. Jung.

6 FURTHER EXAMINATION

7 BY MR. KING:

8 Q. Mr. Jung, I have -- I'll warrant to you that I have  
9 read some documentation that I believe you submitted, but  
10 I can't put my finger on it right now.

11 I have read some documentation where -- from one of  
12 your supervisors that there was a number of attempts to  
13 attack your status. Do you recall anybody telling you  
14 that?

15 A. What do you mean?

16 Q. That there were a number of litigation attempts to  
17 attack the classification status of people in your  
18 position.

19 A. I talked to -- not with the supervisor, but with  
20 co-workers, and there's one case that I know of out of  
21 Eastern Washington that one of my co-workers there told  
22 me about it recently and that was -- actually was -- the  
23 case was dismissed, and that's what I know of --

24 Q. Okay. What year --

25 A. (Continuing) -- and there were several. Go ahead.

1 Q. What year did your case wind up then?

2 A. My case ended up in 2018.

3 Q. Okay. So that --

4 A. I just want to add something to that.

5 Q. Okay.

6 A. I found out that the judge four months later was  
7 hand selected by Inslee to the Supreme Court seat.

8 Q. Interesting, and for the record, please note that  
9 Jay Inslee is a defendant in this case.

10 Let me ask you this. So the decision in your case  
11 then came down prior to you meeting Roger Goodman;  
12 correct?

13 A. My case came down before meeting with Roger Goodman,  
14 yes.

15 Q. Okay. And your case had come down also prior to  
16 Robbie Satterly telling you he was concerned about  
17 authority too; correct?

18 A. Correct, and that's what really got me the most  
19 because if the state realized that my court decision was  
20 the official decision, why would Robbie or Robert be sent  
21 to academy?

22 If by virtue of being a liquor enforcement officer  
23 was enough to be a limited authority peace officer, why  
24 would Justin, the chief of this agency, send two white  
25 guys to additional training to be certified?

1           It just didn't make sense to me, and that's when I  
2       actually decided to file public record requests on their  
3       request for equivalency training. I'm still getting  
4       those documents.

5       Q.    Okay. We're going to let the court decide what the  
6       legislative intent was and all of that and what's going  
7       on, but we appreciate your testimony and you taking the  
8       time out, sir.

9       A.    Thank you.

10           MR. KING: All right. We're going to order  
11       it, give me a cost estimate, sir, and the community will  
12       take care of this. I guarantee you that.

13

14                       (Whereupon the deposition  
15                       was concluded at 12:18 p.m.)

16

17                       (Signature was waived.)

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## C E R T I F I C A T E

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I, the undersigned Washington Certified Court Reporter hereby certify that the foregoing deposition upon oral examination of each witness named herein was taken stenographically before me and transcribed under my direction;

that the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition within 30 days upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of March, 2021.

/s/ Thad E. Byrd

\_\_\_\_\_  
Washington Certified Court Reporter  
No. 2052